

104TH CONGRESS
2D SESSION

H. R. 3870

IN THE SENATE OF THE UNITED STATES

JULY 31, 1996

Received

AN ACT

To authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. VOLUNTARY SEPARATION INCENTIVES FOR**
2 **EMPLOYEES OF THE AGENCY FOR INTER-**
3 **NATIONAL DEVELOPMENT.**

4 (a) DEFINITIONS.—For the purposes of this Act—

5 (1) the term “agency” means the Agency for
6 International Development;

7 (2) the term “Administrator” means the Ad-
8 ministrator, Agency for International Development;
9 and

10 (3) the term “employee” means an employee
11 (as defined by section 2105 of title 5, United States
12 Code) who is employed by the agency, is serving
13 under an appointment without time limitation, and
14 has been currently employed for a continuous period
15 of at least 12 months, but does not include—

16 (A) any employee who, upon separation
17 and application, would then be eligible for an
18 immediate annuity under subchapter III of
19 chapter 83 (except for section 8336(d)(2)) or
20 chapter 84 (except for section 8414(b)(1)(B))
21 of title 5, United States Code, or corresponding
22 provisions of another retirement system for em-
23 ployees of the agency;

24 (B) a reemployed annuitant under sub-
25 chapter III of chapter 83 or chapter 84 of title

1 5, United States Code, or another retirement
2 system for employees of the agency;

3 (C) an employee having a disability on the
4 basis of which such employee is or would be eli-
5 gible for disability retirement under the applica-
6 ble retirement system referred to in subpara-
7 graph (A);

8 (D) an employee who is to be separated in-
9 voluntarily for misconduct or unacceptable per-
10 formance, and to whom specific notice has been
11 given with respect to that separation;

12 (E) an employee who, upon completing an
13 additional period of service, as referred to in
14 section 3(b)(2)(B)(ii) of the Federal Workforce
15 Restructuring Act of 1994 (5 U.S.C. 5597
16 note), would qualify for a voluntary separation
17 incentive payment under section 3 of such Act;

18 (F) an employee who has previously re-
19 ceived any voluntary separation incentive pay-
20 ment by the Government of the United States
21 under this Act or any other authority and has
22 not repaid such payment;

23 (G) an employee covered by statutory re-
24 employment rights who is on transfer to an-
25 other organization; or

1 (H) any employee who, during the 24-
2 month period preceding the date of separation,
3 received a recruitment or relocation bonus
4 under section 5753 of title 5, United States
5 Code, or who, within the 12-month period pre-
6 ceding the date of separation, received a reten-
7 tion allowance under section 5754 of such title
8 5.

9 (b) AGENCY STRATEGIC PLAN.—

10 (1) IN GENERAL.—The Administrator, before
11 obligating any resources for voluntary separation in-
12 centive payments under this Act, shall submit to the
13 House and Senate Committees on Appropriations
14 and the Committee on Governmental Affairs of the
15 Senate and the Committee on Government Reform
16 and Oversight of the House of Representatives a
17 strategic plan outlining the intended use of such in-
18 centive payments and a proposed organizational
19 chart for the agency once such incentive payments
20 have been completed.

21 (2) CONTENTS.—The agency's plan shall in-
22 clude—

23 (A) the positions and functions to be re-
24 duced or eliminated, identified by organizational

1 unit, geographic location, occupational category
2 and grade level; and

3 (B) the number and amounts of voluntary
4 separation incentive payments to be offered;
5 and

6 (C) a description of how the agency will
7 operate without the eliminated positions and
8 functions.

9 (c) AUTHORITY TO PROVIDE VOLUNTARY SEPARA-
10 TION INCENTIVE PAYMENTS.—

11 (1) IN GENERAL.—A voluntary separation in-
12 centive payment under this Act may be paid by the
13 agency to not more than 100 employees of such
14 agency and only to the extent necessary to eliminate
15 the positions and functions identified by the strate-
16 gic plan.

17 (2) AMOUNT AND TREATMENT OF PAYMENTS.—
18 A voluntary separation incentive payment under this
19 Act—

20 (A) shall be paid in a lump sum after the
21 employee's separation;

22 (B) shall be paid from appropriations or
23 funds available for the payment of the basic pay
24 of the employees;

25 (C) shall be equal to the lesser of—

1 (i) an amount equal to the amount
2 the employee would be entitled to receive
3 under section 5595(c) of title 5, United
4 States Code, if the employee were entitled
5 to payment under such section; or

6 (ii) an amount determined by the
7 agency head not to exceed \$25,000;

8 (D) may not be made except in the case of
9 any employee who voluntarily separates (wheth-
10 er by retirement or resignation) before Feb-
11 ruary 1, 1997;

12 (E) shall not be a basis for payment, and
13 shall not be included in the computation, of any
14 other type of Government benefit; and

15 (F) shall not be taken into account in de-
16 termining the amount of any severance pay to
17 which the employee may be entitled under sec-
18 tion 5595 of title 5, United States Code, based
19 on any other separation.

20 (d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE
21 RETIREMENT FUND.—

22 (1) IN GENERAL.—In addition to any other
23 payments which it is required to make under sub-
24 chapter III of chapter 83 or chapter 84 of title 5,
25 United States Code, the agency shall remit to the

1 Office of Personnel Management for deposit in the
2 Treasury of the United States to the credit of the
3 Civil Service Retirement and Disability Fund an
4 amount equal to 15 percent of the final basic pay of
5 each employee of the agency who is covered under
6 subchapter III of chapter 83 or chapter 84 of title
7 5, United States Code, to whom a voluntary separa-
8 tion incentive has been paid under this Act.

9 (2) DEFINITION.—For the purpose of para-
10 graph (1), the term “final basic pay”, with respect
11 to an employee, means the total amount of basic pay
12 which would be payable for a year of service by such
13 employee, computed using the employee’s final rate
14 of basic pay, and, if last serving on other than a
15 full-time basis, with appropriate adjustment there-
16 for.

17 (e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH
18 THE GOVERNMENT.—An individual who has received a
19 voluntary separation incentive payment under this Act and
20 accepts any employment for compensation with the Gov-
21 ernment of the United States, or who works for any agen-
22 cy of the Government of the United States through a per-
23 sonal services contract, within 5 years after the date of
24 the separation on which the payment is based shall be re-
25 quired to pay, prior to the individual’s first day of employ-

1 ment, the entire amount of the incentive payment to the
2 agency that paid the incentive payment.

3 (f) REDUCTION OF AGENCY EMPLOYMENT LEV-
4 ELS.—

5 (1) IN GENERAL.—The total number of funded
6 employee positions in the agency shall be reduced by
7 one position for each vacancy created by the separa-
8 tion of any employee who has received, or is due to
9 receive, a voluntary separation incentive payment
10 under this Act. For the purposes of this subsection,
11 positions shall be counted on a full-time-equivalent
12 basis.

13 (2) ENFORCEMENT.—The President, through
14 the Office of Management and Budget, shall monitor
15 the agency and take any action necessary to ensure
16 that the requirements of this subsection are met.

Passed the House of Representatives July 29, 1996.

Attest: ROBIN H. CARLE,
Clerk.